

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MARY B. SMITH,  
Plaintiff

vs.

DAVID C. NICHOLSON, TRUSTEE  
OF THE D.J.J. REALTY TRUST,  
DOMINIC M. SAWICKI,  
TRUSTEE OF THE DOMINIC M.  
SAWICKI NOMINEE TRUST,  
AND CAROL ANN WHITNEY  
AND GLENN WHITNEY,  
Defendants

CIVIL ACTION NO.: 04 CV 10632 MEL

**DEFENDANTS, DAVID C. NICHOLSON, TRUSTEE OF THE D.J.J. REALTY TRUST,  
DOMINIC M. SAWICKI, TRUSTEE OF THE DOMINIC M. SAWICKI NOMINEE  
TRUST, CAROL ANN WHITNEY AND  
GLENN WHITNEY'S JOINT MOTION FOR SUMMARY JUDGMENT**

Now come the defendants, DAVID C. NICHOLSON, TRUSTEE OF THE D.J.J. REALTY TRUST, DOMINIC M. SAWICKI, TRUSTEE OF THE DOMINIC M. SAWICKI NOMINEE TRUST, CAROL ANN WHITNEY AND GLENN WHITNEY, (hereinafter "Defendants"), and respectfully submit this Joint Motion for Summary Judgment pursuant to F.R.C.P. Rule 56. The Defendants submit the attached Memorandum in Support of their Joint Motion for Summary Judgment and the attached Exhibit List, identifying the Exhibits and Pleadings the Defendants rely upon in support of their Joint Motion for Summary Judgment.

For the reasons stated in the attached Memorandum, the Defendants respectfully request that this honorable Court grant their Joint Motion for Summary Judgment and enter judgment in their favor against the plaintiff.

**REQUEST FOR ORAL ARGUMENT**

The Defendants respectfully request that this Court schedule this Motion for oral argument pursuant to Local Rule 7.1(d).

Dated: January 30, 2007

The Defendants  
By their attorneys,

**DEFENDANTS, CAROL ANN AND GLENN WHITNEY**

*/s/ Bruce R. Fox*

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**DEFENDANT, DAVID C. NICHOLSON, TRUSTEE OF THE D.J.J. REALTY TRUST**

*/s/ Stephen M.A. Woodworth*

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**DEFENDANT, DOMINIC M. SAWICKI, TRUSTEE OF THE DOMINIC M. SAWICKI  
NOMINEE TRUST**

*/s/ Robert A. Curley, Jr.*

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

*/s/ Bruce R. Fox*

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Bruce R. Fox

Dated: January 30, 2007

*/s/ Bruce R. Fox*

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Bruce R. Fox, Esquire